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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/077,456	05/29/1998	WENDELL W. ANTHONY	CITI0028-US	6052
75127	7590	10/13/2011	EXAMINER	
SNR DENTON US LLP (CITI CUSTOMER NUMBER)			MEINECKE DIAZ, SUSANNA M	
ATTN: Eric Sophir			ART UNIT	
P.O. BOX 061080			PAPER NUMBER	
CHICAGO, IL 60606-1080			3684	
			NOTIFICATION DATE	DELIVERY MODE
			10/13/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 09/077,456</p>	<p>Applicant(s) ANTHONY ET AL.</p>	
	<p>Examiner SUSANNA M. DIAZ</p>	<p>Art Unit 3684</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 September 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,4,6-30 and 33-55.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/SUSANNA M. DIAZ/
Primary Examiner, Art Unit 3684

Continuation of 11. does NOT place the application in condition for allowance because: Applicant reiterates previously presented arguments, which the Examiner addressed in the final rejection mailed July 25, 2011. The Examiner maintains her positions. The Examiner also notes that Applicant emphasizes the importance of a customer installing the software in the claimed invention and how Lawlor would allegedly not be amenable to such a modification for various reasons. The Examiner addressed this issue in the previous Office action (mailed July 25, 2011). Again, the way the claims are currently presented, who installs the software has minimal bearing on the claimed invention as a whole (for reasons previously explained by the Examiner). Additionally, in many of the claims, the feature regarding customer installation is recited as intended use and is not recited as a positively limiting feature of the claimed invention. For example, claim 1 recites "providing user software for installation by a customer..." The actual step of installing by a customer is not explicitly performed within the scope of claim 1. Furthermore, Applicant asserts (on page 14 of the response), "Because a customer cannot install any software on an ATM, the ATM is not equivalent to a home banking terminal or a personal computer." Again, who installs the software does not bear significant weight on the invention, as claimed. Applicant's speculation that allowing a customer would compromise the confidentiality of sensitive information (e.g., as argued on page 16 of the response) may or may not be true in practice, but it is a moot point as far as the claim scope is concerned. The claims do not incorporate safeguards to address this issue. For example, there is no difference in the structural elements or manipulative steps of the claimed invention based on who is allowed to install the software. To reiterate the point that the claimed invention is not affected by who installs the software, the Examiner proffers the following scenario. What if an employee in charge of installing and updating the ATM software also happens to be a customer? There are no structural elements or manipulative steps of the invention that are concerned with or affected by this distinction in who can and who actually does perform software updates. Also, the claims do not clarify to whom/what the customer is related. In other words, the claimed customer could be a customer using the installed software, a customer of a bank associated with a linked ATM, or a customer of the local grocery store. The claimed invention is left open to any of these interpretations and more since the scope of a customer is not defined to be limited to a certain type of customer.